

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

March 9, 2018

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 16OD-144

OAHU

Sale of Remnant to James M. Sedeno, Waimanalo, Koolaupoko, Oahu, Tax Map  
Key: (1) 4-1-023:008.

APPLICANT:

James M. Sedeno, married, tenant in severalty.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands Waimanalo situated at Waimanalo, Koolaupoko, Oahu,  
identified by Tax Map Key: (1) 4-1-023:008, as shown on **Exhibit A**.

AREA:

4,653 square feet, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: R-5

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Portion of the subject parcel is encumbered with a perpetual, non-exclusive easement [LOD 26533] for sanctuary sewer purposes in favor of the City and County of Honolulu.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," item 44 that states, "Transfer of title of land." See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Pay for an appraisal to determine the one-time payment of fair market value for the remnant<sup>1</sup>; and
2. Consolidate the remnant with the Applicant's abutting property through the County subdivision process.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." The subject parcel has been determined to be a remnant by this definition for the following reasons:

Pursuant to the legal description and map labeled **Exhibit C**, the subject parcel has an area of 4,653 square feet together with a 12-foot wide access easement over the adjoining Lot 32 [owned by Applicant]. The subject parcel does not meet the minimum lot area for R-5 lot, which requires 5,000 square feet. The surrounding parcels in the same block are privately

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<sup>1</sup> Applicant is aware of the possible cost of appraisal.

owned, i.e. no State lands can be consolidated with the subject parcel. Staff believes the lack of ability to develop on its own would qualify the subject parcel as a remnant pursuant to the statutes mentioned above.

Applicant is the owner of parcel (1) 4-1-023:009 as staff has confirmed with the information provided on the City and County of Honolulu Real Property Assessment Division website.

Other abutting properties to the subject parcel include (1) 4-1-023:007, 013 and 014. Letters were sent to the recorded owners of the abutting properties inquiring their interest, if any, in purchasing the subject parcel as remnant from the State. Staff did not receive any response indicating interest in the subject parcel.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Department of Facility Maintenance, Department of Planning and Permitting, Board of Water Supply, and State Historic Preservation Division have no comments/objections to the request.

Division of Aquatic Resources recommends that Best Management Practices should be followed when the parcel is developed. Staff notes that this issue will be handled during the building permit process administered by the City and County of Honolulu.

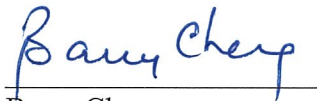
Department of Health, Department of Hawaiian Home Lands, Commission on Water Resource Management, Office of Hawaiian Affairs, and Department of Parks and Recreation have not responded to the solicitation for comments before the deadline.

RECOMMENDATION: That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (1) 4-1-023:009, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

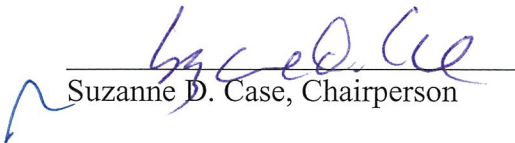
4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to James M. Seden covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

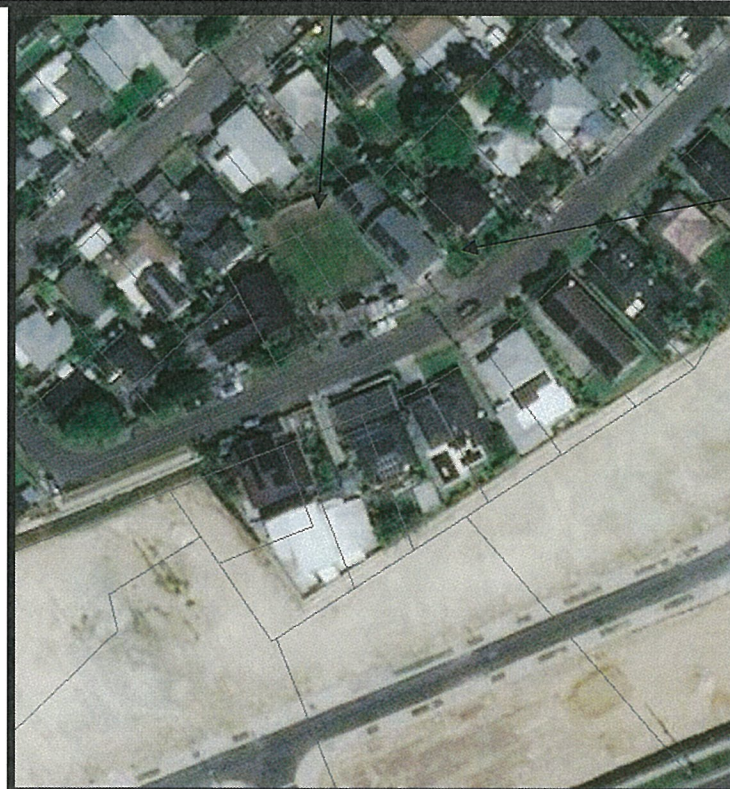
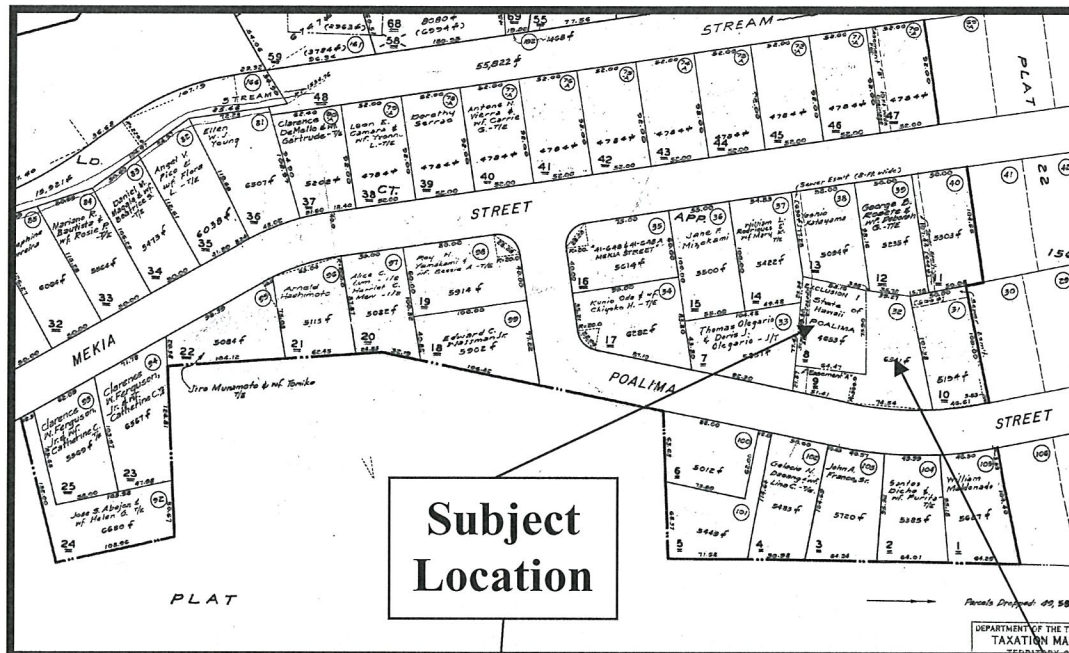


Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson





(1) 4-1-023:008

EXHIBIT A

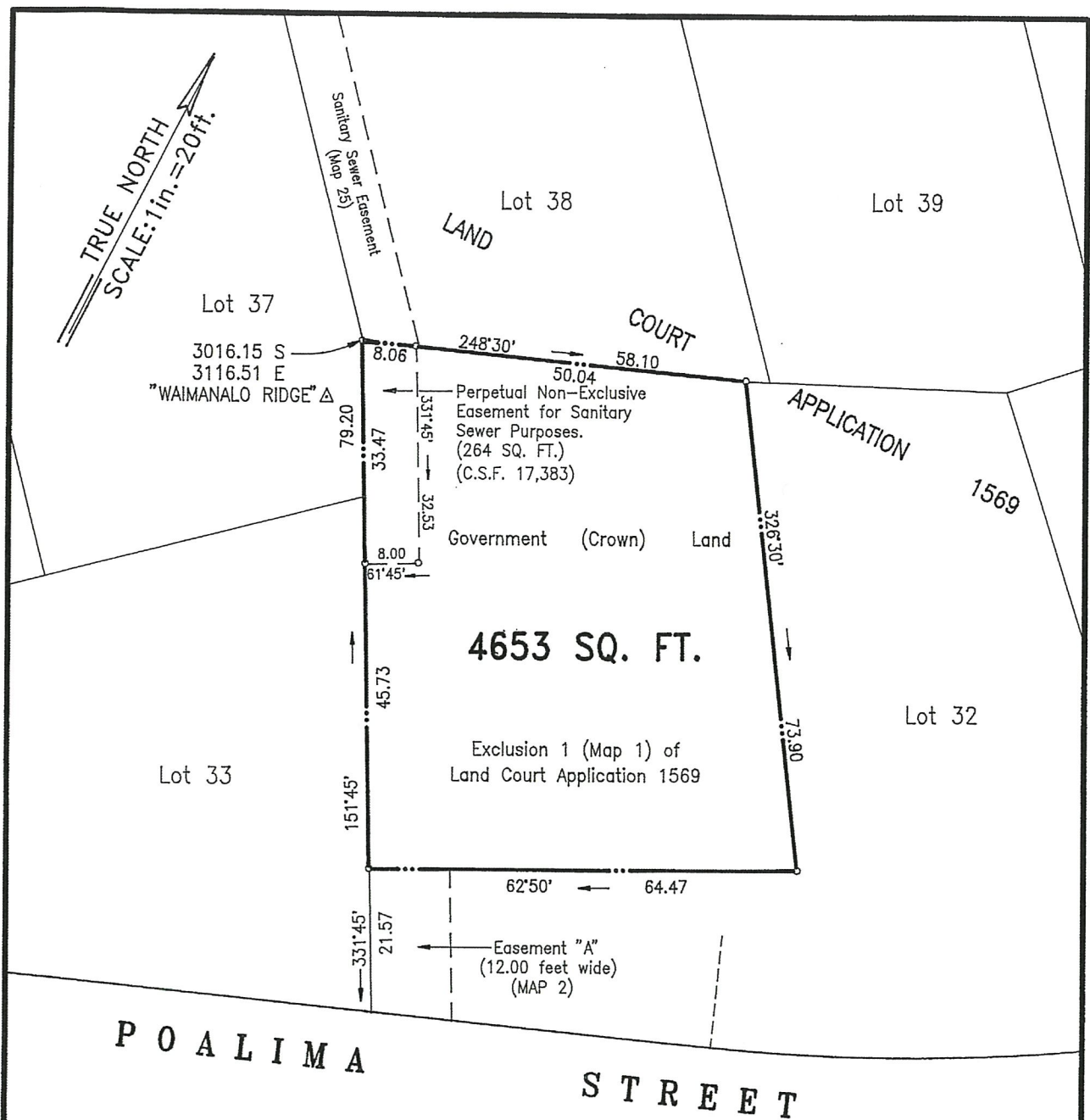
### **EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Sale of Remnant
Project / Reference No.:	PSF 16OD-144
Project Location:	Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-023:008
Project Description:	Sale of remnant due to insufficient lot area
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	<p>In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," item 44 that states, "Transfer of title of land."</p> <p>Any proposed development of the private property, upon the consummation of the sale, including the replacement of the existing building with new residential units will follow the zoning and building codes. As such staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.</p>
Consulted Parties:	Agencies as noted in the submittal.
Recommendation:	<p>It is recommended that the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.</p>

**EXHIBIT B**

TRUE NORTH  
SCALE: 1 in. = 20 ft.



PORTION OF  
GOVERNMENT (CROWN) LAND OF WAIMANALO

Waimanalo, Koolaupoko, Oahu, Hawaii

Scale: 1 inch = 20 feet

EXHIBIT "C"

JOB: O-306(94)  
C. BK.

TAX MAP: 4-1-23:8

C.S.F. NO. 22,215

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

C.G. Dec. 5, 1994

FILE: C:\JMA 0-30694.DWG